

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

491U0421

## HOUSE COMMERCE AND ENERGY ENGROSSED NO. **HB 1091** - 01/23/2013

Introduced by: Representatives Cronin, Bartling, Cammack, Conzet, Craig, Dryden, Duvall, Erickson, Feickert, Gosch, Greenfield, Hajek, Hoffman, Hunhoff (Bernie), Johns, Kirschman, Kopp, Lust, Magstadt, Miller, Nelson, Novstrup (David), Olson (Betty), Parsley, Peterson, Qualm, Rounds, Russell, Solum, Stalzer, Verchio, Westra, and Wick and Senators Brown, Begalka, Bradford, Frerichs, Holien, Hunhoff (Jean), Jensen, Kirkeby, Lederman, Lucas, Maher, Monroe, Olson (Russell), Otten (Ernie), Rave, Rhoden, Soholt, Sutton, and Tidemann

1 FOR AN ACT ENTITLED, An Act to establish certain provisions regarding the labeling of  
2 motor fuel at a retail fuel pump.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Each retail fuel pump shall identify conspicuously the type of fuel product, the particular  
7 grade of the fuel product, and the applicable automotive fuel rating of the fuel to be dispensed.

8 Any 85 octane product shall be conspicuously identified with a decal that states: "May not be  
9 suitable for all engines. Refer to owner's manual before fueling."

10 Section 2. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 If gasoline, alcohol blended fuels, kerosene, diesel fuel, aviation gasoline, burner oil, or



1 naphtha are sold, an invoice, bill of lading, shipping paper, or other documentation shall  
2 accompany each delivery other than a retail sale. This document shall identify the quantity, the  
3 name of the product, the particular grade of the product, the applicable automotive fuel rating,  
4 and oxygenate type and content (if applicable), the name and address of the seller and buyer, and  
5 the date and time of the sale. Documentation shall be retained at the retail establishment for a  
6 period of not less than one year.

7 Section 3. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as  
8 follows:

9 A refiner, importer, or producer of petroleum products, as defined by subdivision 37-2-  
10 5(10), shall comply with the automotive fuel rating, certification, and record-keeping  
11 requirements of 16 C.F.R. §§ 306.5 to 306.7, inclusive, in effect on January 1, 2013.

12 Section 4. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 A licensed distributor of petroleum products, as defined by subdivision 37-2-5(10), shall  
15 comply with the certification and record-keeping provisions of 16 C.F.R. §§ 306.8 and 306.9  
16 in effect on January 1, 2013.

17 Section 5. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as  
18 follows:

19 A person responsible for the product who sells or transfers petroleum products, as defined  
20 by subdivision 37-2-5(10), to a consumer shall comply with the automotive fuel rating posting  
21 and record-keeping requirements, and the label specifications of 16 C.F.R. §§ 306.10 to 306.12,  
22 inclusive, in effect on January 1, 2013.

23 Section 6. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as  
24 follows:

1 In general conformity with ASTM D4814 and the adoption of NIST Handbook 130, 2005,  
2 in rules promulgated pursuant to this chapter, the minimum (R+M)/2 octane rating grades of  
3 petroleum products, as defined by subdivision 37-2-5(10) in the counties of Butte, Custer, Fall  
4 River, Harding, Lawrence, Meade, Pennington, Perkins, and Shannon shall be no less than the  
5 following:

- 6 (1) Regular, unleaded, regular unleaded 85;
- 7 (2) Midgrade, plus, or super unleaded 87, 88, 89, or 90; and
- 8 (3) Premium, supreme, high test unleaded 91.

9 Section 7. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as  
10 follows:

11 The minimum (R+M)/2 octane rating grades of petroleum products in all counties in the  
12 state other than those listed in section 6 of this Act shall be no less than the following:

- 13 (1) Regular unleaded 87;
- 14 (2) Midgrade, plus, or super unleaded 89; and
- 15 (3) Premium, supreme, high test unleaded 91.